

12152

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|---|---|---------------------|
| BURBACH AQUATICS, INC., as Successor to |) | |
| DAVID F. BURBACH, d/b/a/ BURBACH |) | |
| MUNICIPAL & CIVIL ENGINEERING, |) | |
| |) | Case No. 08 CV 4061 |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| THE CITY OF ELGIN, ILLINOIS, A |) | Judge Dow |
| Municipal Corporation, |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME
TO ANSWER OR OTHERWISE PLEAD**

NOW COMES the Defendant CITY OF ELGIN, ILLINOIS, by and through its attorney, James DeAno of DeAno and Scarry LLC, and hereby moves for enlargement of time to file its responsive pleading to Plaintiff's Complaint at Law. In further support thereof, Defendant states as follows:

1. Plaintiff has brought a breach of contract action against the Defendant, alleging that the Defendant failed to pay for engineering services. Complaint at para. 5.
2. The contract at issue was entered into between the Plaintiff's predecessor in interest and the Defendant in March 1995. Id.
3. The Defendant was served with the complaint on July 28, 2008, making its responsive pleading due on August 18, 2008.
4. The Defendant requests additional time to answer or otherwise plead to the complaint to allow it to locate and review the contract and all associated documents. Because the contract was signed over ten years ago, locating all

of the necessary documents needed to prepare a responsive pleading has taken longer than anticipated.

5. Defendants request an additional 30 days to answer or otherwise plead, or until September 18, 2008.

WHEREFORE, Defendant CITY OF ELGIN respectfully requests an additional 30 days, or until September 18, 2008, by which to answer or otherwise plead to Plaintiff's complaint.

Respectfully submitted,
CITY OF ELGIN,

By: s/James L. DeAno

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